

01-28-02  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
FILING COMPLETION UNDER RULE 53(f)

\$50000

In re PATENT APPLICATION of

Inventor: Keith D. Allen

Applicant No.: 09/903,393

Filed: July 10, 2001

Title: Transgenic Mice Containing Limulus Clotting  
Factor Protease-Like Gene Disruptions

Order/Docket No. R-387  
Deposit Account No. 50-1271  
Customer No. 26619

Date: January 23, 2002

Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Sir:

The following **completes the filing** under Rule 53(f) of the above-identified patent application:

1. ☒ Enclosed is a copy of the Notice to File Missing Parts.
2. ☒ Signed Declaration enclosed: ☒ Original / ☐ facsimile/copy
3. ☒ Enclosed is an Assignment and cover sheet. Please return the recorded Assignment to the undersigned.
4. ☒ Enclosed is the sequence listing on paper and a diskette containing said sequence listing.
5. ☒ Enclosed are replacement sheets for Figures 1 – 2B, in accordance with 37 CFR 1.84.
6. ☒ Applicants state that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter, as required by 37 CFR 1.821.
7. ☒ Applicants hereby claim "small entity" status.

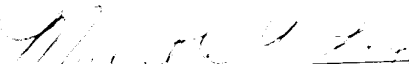
**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

7. Basic Filing Fee.....				\$370.	\$	\$370.00	201
8. Total Claims	33	minus 20 =	13	x 9.	+	117.00	203
9. Independent Claims	16	minus 3 =	13	x 42.	+	546.00	202
10. Multiple Dependent Claims				140.	+	140.00	
11. Surcharge for filing Declaration/filing fee late				65.	+	65.00	205
12.	FILING FEE: <input checked="" type="checkbox"/> CHARGE AUTHORIZATION <input checked="" type="checkbox"/> ENCLOSED =				\$	1,238.00	
13. Original due date: <b>October 23, 2001</b>							
14. Petition is hereby made to extend the original due date to cover the date of this response, for which the requisite fee is enclosed.				\$ 55. / 200. 460. / 720.		460.00	
15. If Assignment is included, add recording fee .....				\$ 40.	+	40.00	581
16. <b>TOTAL FEE (enclosed): \$1,232.00 &amp; TOTAL FEE (Charge Authorization): \$506.00 =</b>						<b>\$1,738.00</b>	

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any missing fees required, or credit any overpayment, to our **Deposit Account 50-1271, Order No. R-387** as above, for which a duplicate copy of this sheet is enclosed.

DELTAGEN, INC.

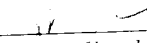
1003 Hamilton Avenue  
Menlo Park, CA 94025  
Tel: (650) 463-5836  
Fax: (650) 752-0202

  
Mariette A. Lapiz, Reg. No. 44.202

Express Mail Label:  
Date of Deposit:

EV 007607815 US  
January 23, 2002

I certify that this paper and listed enclosures are being deposited with the U.S. Post Office "Express Mail Post Office to Addressee" under 35 CFR 1.10 on the above date, addressed to Commissioner for Patents, Box MISSING PARTS, Washington, D.C. 20231

  
Joyce Vogel



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/903,393	07/10/2001	Keith D. Allen	R-387

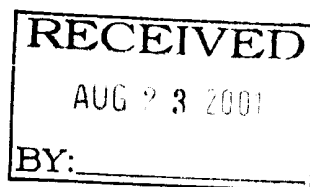
CONFIRMATION NO. 9468

## FORMALITIES LETTER



\*OC000000006463372\*

DELTA GEN, INC.  
1003 Hamilton Avenue  
Menlo Park, CA 94025



Date Mailed: 08/23/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$754.
  - \$99 for 11 total claims over 20.
  - \$520 for 13 independent claims over 3.
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1174.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211-OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **3 & 4** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

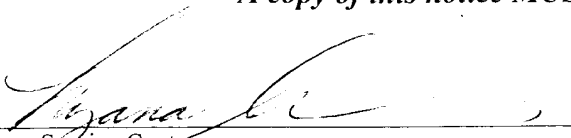
II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

A handwritten signature in cursive script, appearing to read "T. J. ...", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE